

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201807858	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 09/20/2018 12:00 PM	Location of Incident: [REDACTED]	Precinct: 105	18 Mo. SOL 3/20/2020	EO SOL 11/4/2020	
Date/Time CV Reported Fri, 09/21/2018 5:01 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/21/2018 5:01 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Brendan Mcnamara	1513	957842	105 PCT
2. POM Daniel Menezes	21748	960096	105 PCT
3. POF Danielle Renna	14702	962670	105 PCT
4. SGT Adriano Deleon	02580	940069	105 PCT
5. POM Richard Napolitano	14017	956967	105 PCT
6. POM Christophe Aylward	09539	938008	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM William Hespeler	24938	962474	105 PCT
2. POF Crystal Collins	10981	948797	105 PCT
3. POM Dylan Ross	15173	964263	105 PCT
4. POM Alan Delrosario	07223	960436	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Menezes	Force: At § 87(2)(b) [REDACTED] in Queens, Police Officer Daniel Menezes used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Christophe Aylward	Force: At § 87(2)(b) [REDACTED] in Queens, Police Officer Christophe Aylward used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.SGT Adriano Deleon	Abuse: Sergeant Adriano Deleon entered § 87(2)(b) [REDACTED] in Queens.	[REDACTED]
D.SGT Adriano Deleon	Abuse: Sergeant Adriano Deleon searched § 87(2)(b) [REDACTED] in Queens.	[REDACTED]
E.SGT Adriano Deleon	Abuse: At § 87(2)(b) [REDACTED] in Queens, Sergeant Adriano Deleon forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
F.POM Daniel Menezes	Force: At § 87(2)(b) [REDACTED] Hospital in Queens, Police Officer Daniel Menezes used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		

### Case Summary

On September 21, 2018, § 87(2)(b) contacted the CCRB by phone and filed this complaint.

On September 20, 2018, at approximately 12 p.m., § 87(2)(b) called 911 and reported that someone tampered with the security alarm in his house at § 87(2)(b) in Queens. § 87(2)(b) also told the 911 operator that he had a shotgun, but that it was not working and asked for police to show him how to make it work again (BR 02).

When the police arrived, § 87(2)(b) opened the front door and looked outside. At that moment, an officer, identified by the investigation as Sgt. Adriano Deleon of the 105<sup>th</sup> Precinct, grabbed § 87(2)(b) by his arms and brought him outside. Two other officers, identified by the investigation as PO Daniel Menezes and PO Richard Napolitano of the 105<sup>th</sup> Precinct, then placed § 87(2)(b) in handcuffs. Afterwards, PO Menezes and another, identified by the investigation as PO Christopher Aylward of the 105<sup>th</sup> Precinct, allegedly lifted § 87(2)(b) up and then slammed him down onto the cement porch (**Allegations A and B: Force**, § 87(2)(g)). Sgt. Deleon then entered and searched § 87(2)(b)'s house (**Allegations C and D: Abuse of Authority**, § 87(2)(g)).

As a result of this incident, § 87(2)(b) was forcibly removed to the § 87(2)(b) at § 87(2)(b) Hospital in Queens (**Allegation E: Abuse of Authority**, § 87(2)(g)). While in the hospital, PO Menezes allegedly pushed § 87(2)(b) against the wall (**Allegation F: Force**, § 87(2)(g)).

§ 87(2)(b), § 87(2)(g), § 87(4-b)

### Findings and Recommendations

**Allegation (A) Force: At** § 87(2)(b) **in Queens, Police Officer Daniel Menezes used physical force against** § 87(2)(b)

**Allegation (B) Force: At** § 87(2)(b) **in Queens, Police Officer Christopher Aylward used physical force against** § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

The investigation has established the following facts based on § 87(2)(b)'s account (BR 01), the 911 call (BR 02), and the EVENT material (BR 19). On September 20, 2018, at approximately 12 p.m., § 87(2)(b) called 911 and reported that someone tampered with his alarm system and broke the lock of his rear patio door at § 87(2)(b) in Queens. § 87(2)(b) also told the 911 operator that he had a shotgun, but that it was not working, and asked for the police to show him how to make it work. § 87(2)(b) told the 911 operator that he had a license for the shotgun, but that he had misplaced it.

After speaking to the 911 operator, § 87(2)(b) heard police sirens down the block. He then opened the front door and saw through the glass screen door several police vehicles pull up in front of his house. Three officers, identified by the investigation as Sgt. Adriano Deleon, PO Daniel Menezes, and PO Richard Napolitano, approached § 87(2)(b)'s house, and Sgt. Deleon asked § 87(2)(b) if he could open the glass screen door. § 87(2)(b) complied. Sgt. Deleon then grabbed § 87(2)(b) by his arms and brought him outside. § 87(2)(b)

(BR 01) alleged that immediately afterwards, PO Menezes and PO Aylward grabbed him by the arms and placed him in handcuffs. They then forcibly lifted § 87(2)(b) up while holding him by the handcuffs and then slammed him down onto the cement porch. § 87(2)(b) landed onto his knees, which caused pain and aggravated his pre-existing knee injuries.

§ 87(2)(b)'s medical records have been requested from the § 87(2)(b) Hospital and are currently awaiting receipt.



CCRB #201807858 -- video 1.mp4



CCRB #201807858 -- video 2.mp4

§ 87(2)(b), § 87(2)(g) However, none of the videos show § 87(2)(b) being lifted by his handcuffs or slammed down onto the porch after he is placed in handcuffs.

At 00:30 minutes, video [CCRB #201807858 – video 1] shows Sgt. Deleon take § 87(2)(b) by his left arm and bring him out of the house. PO Menezes then takes § 87(2)(b) by his left arm and guides him in a controlled manner to the ground, placing § 87(2)(b) onto his left side. Sgt. Deleon orders PO Menezes to place § 87(2)(b) in handcuffs. The video does not show how PO Menezes places § 87(2)(b) in handcuffs as PO Napolitano and other officers obstruct the camera's view. At 1:02 minutes, PO Menezes lifts § 87(2)(b) up, who is rearcuffed, while holding him by his forearms. § 87(2)(b) yells, "I have not committed any crime," to which PO Menezes replies, "You are not under arrest," and asks § 87(2)(b) to sit down. At this time, Sgt. Deleon and PO Napolitano enter § 87(2)(b)'s house. At 1:08 minutes, PO Aylward approaches § 87(2)(b) and assists PO Menezes in lifting § 87(2)(b) so that he is standing on both feet. PO Menezes and PO Aylward ask § 87(2)(b) to sit and then place him down. § 87(2)(b) yells, "I am in antagonizing pain. I have injuries all over by body." The video does not capture how § 87(2)(b) is positioned on the ground as he disappears from the camera's view.

Video [CCRB #201807858 – video 2] depicts the same incident with the following additional information. At 00:39 minutes, after § 87(2)(b) is placed in handcuffs, PO Menezes is trying to lift him up while holding § 87(2)(b) by his forearms. PO Menezes asks § 87(2)(b) to stand up, but he does not do that. PO Menezes then places § 87(2)(b) back onto his left side. At 1:02 minutes, PO Aylward takes § 87(2)(b) by his left forearm, while PO Menezes is holding his right forearm, and together they lift § 87(2)(b) up so that he is standing on both feet. They then ask § 87(2)(b) to sit down and place him in an upright position on the top step of the porch. The video does not show PO Menezes or PO Aylward forcibly slam § 87(2)(b) to the ground at any point either prior to being handcuffed or immediately afterwards.

§ 87(2)(g) Upon approaching the house, PO Menezes saw § 87(2)(b) standing in the doorway behind the glass screen door. When Sgt. Deleon opened the glass screen door, § 87(2)(b) attempted to retreat and close the front door on Sgt. Deleon. Sgt. Deleon then grabbed § 87(2)(b) by one of his arms and pulled him outside. He then guided § 87(2)(b) onto the ground and placed him in an upright position on the stoop with his hands behind his back. Sgt. Deleon then ordered PO Menezes to place § 87(2)(b) in handcuffs for his and the officers' safety. PO Menezes did not recall if anyone

assisted him in placing § 87(2)(b) in handcuffs. PO Menezes denied slamming § 87(2)(b) to the ground, nor did he see any other officer do so.

§ 87(2)(g)  
PO Aylward stated that by the time he approached the house, § 87(2)(b) was already handcuffed and sitting on the steps of the porch. PO Aylward did not see how or who placed § 87(2)(b) in handcuffs. PO Aylward denied slamming § 87(2)(b) to the ground during this incident, nor did he see any other officer do so. PO Aylward did not observe any visible physical injuries on § 87(2)(b).

Sgt. Deleon (BR 07), PO Danielle Renna (BR 08), PO Brendan Mcnamara (BR 09), PO Richard Napolitano (BR 06), and PO Dylan Ross (BR 10) denied seeing PO Menezes, PO Aylward, or any other officer slamming § 87(2)(b) to the ground during this incident. They stated that § 87(2)(b) was guided down to the ground in a controlled manner prior to being placed in handcuffs, and that § 87(2)(b) offered some minor resistance, like tensing up and flailing his arms, prior to being handcuffed.

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

**Allegation (C) Abuse of Authority: Sergeant Adriano Deleon entered § 87(2)(b) in Queens.**

**Allegation (D) Abuse of Authority: Sergeant Adriano Deleon searched § 87(2)(b) in Queens.**

It is undisputed that Sgt. Deleon entered and searched § 87(2)(b)'s house. PO Napolitano, PO Aylward, and PO Ross also acknowledged entering § 87(2)(b)'s house but denied searching it. Because Sgt. Deleon was the supervising officer at the scene and made the decision to enter and search the location, no corresponding allegations have been plead against PO Napolitano, PO Aylward, or PO Ross.

The investigation has established the following facts. § 87(2)(b) resides in a two-story house at § 87(2)(b) in Queens. There is a basement that was remodeled for office space. Upon entering the first floor, there is a large closet directly across the front door. To the left of the front door, there is the living room that leads to the kitchen. On the second floor, there are three bedrooms, the largest of which belongs to § 87(2)(b).

As it has been discussed above, § 87(2)(b) called 911 to report that someone tampered with his alarm system and broke the lock of the rear patio door. While on the phone with the 911 operator, § 87(2)(b) mentioned that he had a shotgun, but that it was not working, and asked the police to show him how to make it work.

After the police arrived, § 87(2)(b) was removed from the house and secured with handcuffs. While sitting on the steps of his porch, § 87(2)(b) saw several officers, identified by the investigation as Sgt. Deleon, PO Napolitano, PO Aylward, and PO Ross, enter his house. § 87(2)(b) did not see where the officers went upon entry or if they searched the house, stating that he was sitting outside until the ambulance arrived and removed him to the hospital.

At the beginning of the call, § 87(2)(b) tells the 911 operator that someone tampered with his alarm and broke the lock of the rear patio door. § 87(2)(b) tells the operator that there is no immediate emergency, that he does not remember when the lock was broken, and then complains of memory problems. Between 5:15 and 6:40 minutes, § 87(2)(b) says to the 911 operator, “Also, I forgot how to operate my shotgun. I was checking it. But, I have been alerted to increase of crime in the area.” The 911 operator says, “So you have a shotgun?” and § 87(2)(b) replies, “Hipster. I took out the license years ago and I follow the Second Amendment quite literary.” The 911 operator then says, “So you do have a licensed shotgun?” § 87(2)(b) replies, “Ah. At one time I had a license. I do not have possession of the license now. I misplaced it, but there are records that I had the license. What can I tell you? I am handicapped. I am trying to save the little money I have. I am struggling, bills are going up like crazy. Inflation is unbelievable. I still have to pay \$275.” The 911 operator interrupts § 87(2)(b) and asks him if he still has the shotgun. § 87(2)(b) continues to speak about money and then tells the 911 operator that he longer wishes to discuss the shotgun.



CCRB #201807858 -- video 3.mp4

The video [CCRB #201807858 – video 3] (BR 11) only captures the officers entering § 87(2)(b)'s house. It begins with Sgt. Deleon entering § 87(2)(b)'s house followed by PO Napolitano. At 00:17 minutes, PO Aylward enters the house, shortly followed by PO Ross. At 1:08 minutes, PO Ross returns and stands in the doorway of the front door. At 1:09 minutes, Sgt. Deleon exits the house and approaches § 87(2)(b). At 1:14 minutes, PO Ross returns in the house again disappearing from the camera's view and then re-emerges five seconds later. At 1:35 minutes, PO Aylward exits the house.

Sgt. Deleon (BR 07) stated that he received several radio runs informing him of a gun at § 87(2)(b) in Queens. The 911 dispatcher told Sgt. Deleon that a male caller, § 87(2)(b) called 911 and said that he had a gun. § 87(2)(b) then said that he had no gun, but that someone was in his house with the gun. The 911 dispatcher told Sgt. Deleon that she did not know what was going on and that § 87(2)(b) made several statements that did not make any sense. The 911 dispatcher did not inform Sgt. Deleon if there was anyone else in the house aside from § 87(2)(b).

After § 87(2)(b) was secured, Sgt. Deleon acknowledged entering the house along with PO Napolitano, but did not recall if PO Aylward or PO Ross entered the house as well. Sgt. Deleon explained that he and PO Napolitano entered the house to see if there was anyone injured, in need of immediate assistance, or if there was anyone trying to hurt § 87(2)(b). Sgt. Deleon entered the living room and the kitchen on the first floor, where he opened several large closets to see if anyone was hiding inside. He then entered each bedroom on the second floor, looked underneath the beds, and opened the large closets there as well. Afterwards, Sgt. Deleon walked down and checked the basement. There was no one else in the house. Sgt. Deleon denied looking for the shotgun while searching the house.

PO Napolitano (BR 06) acknowledged entering § 87(2)(b)'s house with Sgt. Deleon. PO Napolitano did not remember where he and Sgt. Deleon went in the house, but noted that it was a quick security sweep to make sure that there was no one in the house in need of immediate assistance. PO Napolitano did not remember going to the second floor or entering any bedrooms there, nor did he remember entering the basement. PO Napolitano did not recall if he

opened any closets while in the house, nor did he recall seeing Sgt. Deleon do so. Aside from Sgt. Deleon and himself, PO Napolitano did not remember if any other officers entered the house.

PO Aylward (BR 18) also acknowledged entering § 87(2)(b)'s house for the same security reasons as stated by Sgt. Deleon and PO Napolitano. PO Aylward entered and looked around the kitchen and the living room. PO Aylward noted that the place looked messy and hoarded. Afterwards, PO Aylward walked through the small hallway and opened the door leading to the basement. PO Aylward denied entering the basement and said that he only visually inspected it while standing on the top of the basement staircase. PO Aylward denied opening any closets, entering the second floor, or checking under the beds while he was in the house. PO Aylward did not remember seeing Sgt. Deleon, PO Napolitano, or any other officer enter or search the house. PO Aylward also noted that after he exited the house, § 87(2)(b) asked the officers to get his house keys that he said were on the table in the living room. PO Aylward then returned in the living room to get the keys, but did not see them on the table. Thus, he exited the house immediately afterwards.

PO Ross (BR 10) also acknowledged entering § 87(2)(b)'s house stating that he followed his partner, PO Aylward. PO Ross stated that upon entering the house, he remained standing in the small foyer area by the front door and did not go anywhere else. PO Ross did not remember Sgt. Deleon or PO Napolitano entering the house, nor did he see Sgt. Deleon search the house.

Under the “emergency doctrine,” “(1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for assistance for the protection of life or property, (2) the search must not be primarily motivated by intent to arrest and seize evidence, and (3) there must be some reasonable basis, approximating probable cause to associate the emergency with the area or place to be searched” to justify warrantless entry into a person’s home. People v. DePaula, 179 A.D. 2d 424 (App. Div. 1<sup>st</sup> 1992) (BR 12).

§ 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation (E) Abuse of Authority: At § 87(2)(b) in Queens, Sergeant Adriano Deleon forcibly removed § 87(2)(b) to the hospital.**

It is undisputed that § 87(2)(b) was forcibly removed to the hospital.

§ 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED] § 87(2)(b)  
called 911 and requested police to his house because someone tampered with the alarm system and broke the lock of his rear patio door. § 87(2)(b) did not remember when the alarm was tampered with or when the lock of the rear patio door was broken, but said that it must have happened this year, and then complained of memory problems. While speaking to the 911 operator, § 87(2)(b) (BR 01) said that he had a shotgun, but that it was not working, and asked the police to show him how to make it work. He also mentioned that he once had a license

for the shotgun, but that he had misplaced it. § 87(2)(b) also stated that he “follows the Second Amendment literally,” and that the President knew him.

After the police responded to the location, § 87(2)(b) was placed in handcuffs and removed to the § 87(2)(b) at § 87(2)(b) Hospital in Queens. § 87(2)(b) noted that he spent several hours in the hospital and was released at approximately 8 p.m., on September 20, 2018.

§ 87(2)(b)'s medical records have been requested from the § 87(2)(b) Hospital and are currently pending receipt.



CCRB #201807858 -- video 4.mp4

The video [ CCRB case #201807858 – video 4] (BR 13) depicts § 87(2)(b) sitting on the steps of the porch with his hands behind his back. At 00:05 and 00:17 minutes, Sgt. Deleon asks § 87(2)(b) “What seems to be the issue?” to which § 87(2)(b) replies, “I know President Donald Trump. If you do not believe me, call him.” Sgt. Deleon again asks § 87(2)(b) what is the issue. § 87(2)(b) raises his voice and yells, “Take me out of the handcuffs!” Sgt. Deleon replies, “Okay,” and then turns around to PO William Hespeler. PO Hespeler says to Sg. Deleon that he is going to request an ambulance for § 87(2)(b) and Sgt. Deleon replies, “Thanks.” At 00:30 minutes, § 87(2)(b) asks the officers why they are torturing him. Between 00:41 and 1:20 minutes, § 87(2)(b) says, “You will be summoned by the Federal Grand Jury. You will have to testify against each other, one at a time. It’s all recorded. I want to be released from handcuffs. I am the victim. I called 911.” PO Menezes interrupts § 87(2)(b) and says that he called and said some disturbing things. § 87(2)(b) says that he called about a break in. PO Menezes replies, “That’s not what you said. You said you had a gun.” At 1:23 minutes, § 87(2)(b) says, “I have PTSD. I have many documented injuries,” and asks why he is being “tortured.” At 1:54 minutes, Sgt. Deleon returns and asks § 87(2)(b) if he takes any medications. § 87(2)(b) replies, “I take medications for pain. I take... Oh, I found a cure for diabetes four years ago.” At 2:13 minutes, Sgt. Deleon replies, “That’s awesome. We will have you checked out by EMS.” § 87(2)(b) refuses. Sgt. Deleon informs § 87(2)(b) that he has no choice at this point. At 2:31 minutes, § 87(2)(b) yells that officers dragged him and that his knees are destroyed and added, “I have herniated discs all over the back... I have done covered work for the government. You are being recoded and videotaped by civilians. You will be called by the Federal Grand Jury to testify against each other. You will lose your jobs and pensions, everything. Now, I will talk like you want me to talk, quietly. That was for the neighbors.”

§ 87(2)(g)  
§ 87(2)(b) Sgt. Deleon stated that after he exited the house, he approached § 87(2)(b) and asked him to explain what was going on. § 87(2)(b) said to Sgt. Deleon, “I don’t know what the fuck you are talking about,” and, “There was someone in my house with the gun.” § 87(2)(b) was yelling and made several other incoherent statements, which Sgt. Deleon did not remember, but said that they did not make any sense. Due the nature of the 911 call, § 87(2)(b)'s statements and demeanor at the scene, Sgt. Deleon believed that § 87(2)(b) was behaving irrationally and in a manner likely to result in an injury to himself or others. Thus, Sgt. Deleon decided to call for EMS to remove § 87(2)(b) to the hospital for an evaluation. When the EMT’s arrived, Sgt. Deleon informed them that they received a call that § 87(2)(b) had the gun and that he made several incoherent statements which led Sgt.



Deleon to believe that § 87(2)(b) required a medical evaluation. The EMT's then spoke to § 87(2)(b). Meanwhile, Sgt. Deleon spoke to several of § 87(2)(b)'s neighbors who stated that § 87(2)(b) had mental issues. Sgt. Deleon did not hear the conversation between the EMT's and § 87(2)(b) but he saw them place § 87(2)(b) onto a stretcher and escort him to the ambulance.

PO Renna (BR 08), PO Menezes (BR 05), PO Napolitano (BR 06), PO Ross (BR 10), PO Aylward (BR 18), and PO Mcnamara (BR 09) § 87(2)(g). They all testified that § 87(2)(b) made numerous incoherent statements which led them to believe that he had mental issues and was in need of a medical evaluation.

NYPD Patrol Guide Procedure 221-13 (BR 14) states that officers must take into protective custody and bring to the hospital any person who appears to be mentally ill or temporarily deranged, and who is conducting himself in a way the officer reasonably believes is likely to result in serious injury to himself or others.

§ 87(2)(b), § 87(2)(g)

**Allegation (F) Force: At § 87(2)(b) Hospital in Queens, Police Officer Daniel Menezes used physical force against § 87(2)(b)**

It is disputed whether force was used against § 87(2)(b) while he was in the hospital.

§ 87(2)(b) (BR 01) alleged that when he was brought to the § 87(2)(b) at the § 87(2)(b), also known as § 87(2)(b) Hospital, in Queens, PO Menezes and another male officer forced § 87(2)(b) to sit down on the chair with his back leaned against the wall. PO Menezes and the other officer then pushed § 87(2)(b) against the wall so that the handcuffs pressed against § 87(2)(b)'s lowed back, causing pain to his pre-existing hernia of the C4 vertebrae.

The investigation has determined that aside from PO Menezes and PO Renna, who is a female, no other officer escorted § 87(2)(b) to the hospital or remained with him there.

§ 87(2)(b)'s medical records have been requested from the § 87(2)(b)

§ 87(2)(b) Hospital and are currently pending receipt.

PO Menezes (BR 05) stated that upon arrival to the hospital, § 87(2)(b) calmed down and was not as agitated as at the scene. PO Menezes and PO Renna, placed § 87(2)(b) on a chair, and PO Menezes then removed the handcuffs from § 87(2)(b). While PO Menezes removed the handcuffs, § 87(2)(b) complained of back pain due to an injury to his disk, but did not state if it was a new or pre-existing injury. PO Menezes denied pushing § 87(2)(b) against the wall after placing him on the chair, nor did he see PO Renna do so.

§ 87(2)(g)

§ 87(2)(b) PO Renna noted that § 87(2)(b) did not like PO Menezes and made several verbal threats towards him while they were in the hospital. PO Renna denied seeing PO Menezes push § 87(2)(b) against a wall while § 87(2)(b) sat on a

chair or use any force against him. PO Renna did not hear § 87(2)(b) complain of injury to his back, and noted that he only complained of his handcuffs and asked them to be removed.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint in which § 87(2)(b) has been a party.
- Sgt. Adriano Deleon has been a member-of-service for 12 years and has been a subject in eight CCRB complaints and 17 allegations, none of which were substantiated.

- PO Daniel Menezes has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Richard Napolitano has been a member-of-service for four years and this is the first CCRB complaint to which he has been a subject.
- PO Danielle Renna has been a member-of-service for two years and has been a subject in one CCRB complaint and two allegations currently pending investigation.
- PO Brendan McNamara has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Christopher Aylward had been a member-of-service for 13 years and has been a subject in one CCRB complaint and seven allegations, of which one was substantiated:
  - 201701614 involved a substantiated allegation of physical force. The Board recommended Formalized Training and the NYPD took no disciplinary action.

## Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of December 3, 2018, no Notice of Claim has been filed regarding this incident (BR 20).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 17).

Squad No.: 4

Investigator: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_

Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_